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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,124	11/19/2003	Corydon Joseph Boyan	10030882-1	9103

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AGILENT TECHNOLOGIES, INC.
Intellectual Property Administration
Legal Department, DL 429
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EXAMINER

LAU, TUNG S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,124

Applicant(s)

BOYAN ET AL.

Examiner

Tung S. Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>See office action</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. Information Disclosure Statement filed on 11-19-2003 is acknowledged by the examiner; A copy of a signed PTO-1449 attached with this office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- a. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Agilent Technologies PSA series spectrum analyzers (May 2002).

Regarding claim 1:

Agilent Technologies discloses a method for performing a function on a selected portion of a signal, comprising: marking a start frequency with a band marker (page 30, fig. 4-3, page 38, fig. 5-2); marking a stop frequency with the band marker (page 38, fig. 5-2); and, performing the function on a bandwidth of the signal between the start frequency and the stop frequency (page 38, fig. 5-2).

Regarding claim 7:

Agilent Technologies discloses a user interface for an electronic instrument, comprising: a display that displays a signal and a band marker (page 30, fig. 4-3, page 38, fig. 5-2), the band marker, demarking a bandwidth of the signal by marking both a start frequency of the bandwidth (page 38, fig. 5-2), and a stop frequency of the bandwidth; wherein the electronic instrument performs a function on the bandwidth of the signal between the start frequency and the stop frequency (page 38, fig. 5-2).

Regarding claim 14:

Agilent Technologies discloses an electronic instrument, comprising: an input means for receiving selections from a user (fig. In page 8); and, a display means for displaying a signal and a band marker (page 30, fig. 4-3, page 38, fig. 5-2), the band marker demarking a bandwidth of the signal by marking both a start frequency of the bandwidth, and a stop frequency of the bandwidth (page 38, fig. 5-2).

Regarding claims 2, 6, 8, 13, 15, 20, Agilent Technologies further discloses a band power (page 30, fig. 4-3, page 14, fig. 2-3, page 62, fig. 8-3); Regarding claims 3, 9, 16, Agilent Technologies further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; and (page 38, fig. 5-2), wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line (page 38, fig. 5-2); Regarding claims 4, 10, 17, Agilent Technologies further discloses the start frequency

is marked with a left foot of the band marker (page 38, fig. 5-2), the left foot of the band marker being a vertical line (page 38, fig. 5-2); wherein the stop frequency is marked with a right foot of the band marker (page 38, fig. 5-2), the right foot of the band marker being a vertical line (page 38, fig. 5-2); and, wherein the center of the bandwidth of the bandwidth of the signal between the start frequency and the stop frequency is indicated by a center diamond of the band marker (page 38, fig. 5-2, page 42, fig. 6-2);); Regarding claim 5, Agilent Technologies further discloses marking a second start frequency with a second band marker (page 44, fig. 6-4); marking a second stop frequency with the second band marker (page 62, fig. 8-3); and, performing a delta band function on a second bandwidth of the signal between the second start frequency and the second stop frequency along with the bandwidth of the signal between the start frequency and the stop frequency (page 62, fig. 8-3); Regarding claims 11, 18, Agilent Technologies further discloses displays a second band marker, the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth (page 62, fig. 8-3); Regarding claims 12, 19, Agilent Technologies further discloses displays a second band marker (page 62, fig. 8-3), the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth (page 62, fig. 8-3); wherein the electronic instrument performs a delta function on

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the second bandwidth of the signal vis-à-vis the bandwidth of the signal between the start frequency and the stop frequency (page 62, fig. 8-3).

b. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Katayama (U.S. Patent 5,075,618).

Regarding claim 1:

Katayama discloses a method for performing a function on a selected portion of a signal, comprising: marking a start frequency with a band marker (fig. 2a); marking a stop frequency with the band marker (fig. 2a); and, performing the function on a bandwidth of the signal between the start frequency and the stop frequency (fig. 2a).

Regarding claim 7:

Katayama discloses a user interface for an electronic instrument, comprising: a display that displays a signal and a band marker (fig. 2a), the band marker, demarking a bandwidth of the signal by marking both a start frequency of the bandwidth (fig. 2a), and a stop frequency of the bandwidth; wherein the electronic instrument performs a function on the bandwidth of the signal between the start frequency and the stop frequency (fig. 2a).

Regarding claim 14:

Katayama discloses an electronic instrument, comprising: an input means for receiving selections from a user (fig. 1a, unit 100); and, a display

means for displaying a signal and a band marker (fig. 2a), the band marker demarking a bandwidth of the signal by marking both a start frequency of the bandwidth, and a stop frequency of the bandwidth (fig. 2a).

Regarding claims 2, 6, 8, 13, 15, 20, Katayama further discloses a band power (Col. 3, Lines 20-28); Regarding claims 3, 9, 16, Katayama further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; and (fig. 2a), wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line (fig. 2a); Regarding claims 4, 10, 17, Katayama further discloses the start frequency is marked with a left foot of the band marker (fig. 2a), the left foot of the band marker being a vertical line (fig. 2a); wherein the stop frequency is marked with a right foot of the band marker (fig. 2a), the right foot of the band marker being a vertical line (fig. 2a); and, wherein the center of the bandwidth of the bandwidth of the signal between the start frequency and the stop frequency is indicated by a center diamond of the band marker (fig. 2a, Col. 6, Lines 45-66); Regarding claim 5, Katayama further discloses marking a second start frequency with a second band marker (fig. 10b); marking a second stop frequency with the second band marker (fig. 10b); and, performing a delta band function on a second bandwidth of the signal between the second start frequency and the second stop frequency along

with the bandwidth of the signal between the start frequency and the stop frequency (fig. 10b); Regarding claims 11, 18, Katayama further discloses displays a second band marker, the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth (fig. 10b); Regarding claims 12, 19, Katayama further discloses displays a second band marker (fig. 10b), the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth (fig. 10b); wherein the electronic instrument performs a delta function on the second bandwidth of the signal vis-à-vis the bandwidth of the signal between the start frequency and the stop frequency (fig. 10b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

- a. Claims 1, 7, 14, 2, 6, 8, 13, 15, 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Agilent Technologies Spectrum Analyzer Measurements and Noise (February 11, 2003).

Regarding claim 1:

Agilent Technologies discloses a method for performing a function on a selected portion of a signal, comprising: marking a start frequency with a band marker (page 9, fig. 7); marking a stop frequency with the band marker (page 9, fig. 7); and, performing the function on a bandwidth of the signal between the start frequency and the stop frequency (page 9, fig. 7).

Regarding claim 7:

Agilent Technologies discloses a user interface for an electronic instrument, comprising: a display that displays a signal and a band marker (page 9, fig. 7), the band marker, demarking a bandwidth of the signal by marking both a start frequency of the bandwidth (page 9, fig. 7), and a stop frequency of the bandwidth; wherein the electronic instrument performs a function on the bandwidth of the signal between the start frequency and the stop frequency (page 9, fig. 7).

Regarding claim 14:

Agilent Technologies discloses an electronic instrument, comprising: an input means for receiving selections from a user (page 9, fig. 7); and, a display means for displaying a signal and a band marker (page 9, fig. 7), the band marker demarking a bandwidth of the signal by marking both a start frequency of the bandwidth, and a stop frequency of the bandwidth (page 9, fig. 7).


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Regarding claims 2, 6, 8, 13, 15, 20, Agilent Technologies further discloses a band power (page 9, fig. 7); Regarding claims 3, 9, 16, Agilent Technologies further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; and (page 9, fig. 7), wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line (page 9, fig. 7);

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

BRYAN BUI
PRIMARY EXAMINER



4/11/05